

Meeting Summary

Upper San Joaquin Regional Conditions Work Group Meeting #8

April 21, 2010, 8:30 am – 12:30 pm

**Location: Merced County Farm Bureau
646 South State Highway 59
Merced, California 95341-6928**

WORK GROUP ATTENDANCE:

Name	Organization	Status
Randall Anthony	Merced Irrigation District	Member
Margit Aramburu	University of the Pacific, Natural Resources Institute	Member
Leo Capuchino	City of Mendota	Member
Sarge Green	CA Water Institute, CSU Fresno	Member
Reggie Hill	Lower San Joaquin Levee District	Member
Kellie Jacobs	County of Merced	Member
Dave Koehler	San Joaquin River Parkway and Conservation Trust	Member
Jerry Lakeman	Fresno Metropolitan Flood Control District	Member
John Shelton	CA Department of Fish and Game	Member
Jeremy Arrich	California Department of Water Resources (DWR)	CVFPO* Chief
Ken Kirby	Kirby Consulting	CVFPO Executive Advisor
Brian Smith	DWR	DWR Regional Lead
Mike Inamine	DWR	CVFPO* Lead
Mike Mierzwa	DWR	
Ernie Taylor	DWR	DWR Regional Lead
Jim Eto	DWR	CVFPO*
Yung-Hsin Sun	MWH	
Eric Clyde	MWH	Technical Lead
Alexa La Plante	MWH	Team
Pam Jones	Kearns & West	Facilitator
Christine Lim	Kearns & West	Facilitation Support

*Central Valley Flood Planning Office

Absent:

Julia Berry	Madera Farm Bureau	Member
Dario Dominguez	Madera County	Member
Richard Harmon	Landowner/Grower, Dos Palos, Calif.	Member
Bill Luce	Friant Water Authority	Member

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Mari Martin	Resource Management Coalition	Member
Diana Westmoreland Pedrozo	At large/agriculture	Member
Jose Ramirez	City of Firebaugh	Member
Paul Romero	DWR, Flood Plain Management Division	Member
Monty Schmitt	Natural Resources Defense Council	Member
John Slater	County of Madera, Resource Management Agency	Member
David van Rijn	U.S. Army Corps of Engineers	Member
Douglas Welch	Chowchilla Water District	Member
David Zezulak	CA Department of Fish & Game	Member

Observers:

Steve Stadler	Kings River Conservation District
Pal Hegedus	RBF Consulting

WORK GROUP HOMEWORK/ACTION ITEMS

- Review the Regional Conditions Report (RCR) and Interim Progress Summary No. 1 (IPS1) and provide comments by May 14, 2010. Comments should be sent to cvfmp@water.ca.gov.

ACTION ITEMS: PROGRAM TEAM

- Pam Jones, Kearns & West, will re-send to the group the SharePoint site address where the RCR can be found. <https://www.teamfloodsafe.net/> To establish or be reminded of the password, contact Rachel Arendt of MWH: Rachel.R.Arendt@us.mwhglobal.com
- Ken Kirby, Consultant, will inquire whether drafts of the land use planning handbook can be distributed to the Work Group.
- DWR/MWH will correct the map in IPS1 where Merced is labeled as Modesto.
- Alexa La Plante, MWH, will re-send Sarge Green an email with his SharePoint password so he can access the RCR for review.

GROUP RECAP (meeting highlights for use by Work Group partners in their communications)

The Upper San Joaquin Regional Work Group (Work Group) of the Central Valley Flood Management Program (CVFMP) continued its work on April 21, 2010 with the following actions:

- Reviewed the structure of the RCR and how it will fit into the 2012 Central Valley Flood Protection Plan (CVFPP).
- Reviewed and provided comments on the IPS1.
- Discussed “next steps” and how Phase 1 Work Group input will be used in Phases 2- 4, and ultimately on an integrated and systemwide basis for the development of the 2012 CVFPP
- Identified gaps in participation in Phase 1 with the goal of securing input – whether in Regional or Topic Work Groups or in Phase 2 topic workshops – for Phase 2 and beyond.

The purpose of the Phase 1 Work Groups was to contribute to the development of content for the RCR, which is a key component for developing the 2012 CVFPP. The RCR identifies resources, existing conditions within the Central Valley, flood management and related problems and opportunities, and goals and objectives for use in preparing the CVFPP. The Upper San Joaquin Regional Work Group is one of five regional work groups for the CVFMP.

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MEETING GOALS

1. Close Phase 1 work
2. Determine Work Group perspectives regarding the accuracy and approach of the RCR and IPS1
3. Orient Work Group members on the revised process of developing the 2012 CVFPP
4. Review and augment Phase 1 Stakeholder Assessment findings
5. Describe next steps in the process, Phase 2 Work Groups, and opportunities for involvement – invite participation in the next phase

SUMMARY

Welcome and Greetings

Pam Jones, meeting facilitator, welcomed the Work Group participants and reviewed the meeting purpose, goals and agenda.

Opening Remarks

Jeremy Arrich, CVFPO Chief, welcomed the Work Group and provided opening remarks. Mr. Arrich's remarks included the following updates:

- As of March 2010, Mr. Arrich is the new Chief of the Central Valley Planning Office (CVFPO). He has been learning about Phase 1 and preparing for Phase 2.
- DWR received feedback from the Work Groups that they desired increased involvement from DWR in the CVFPP development process. In response, DWR has spent the last few months educating upper management on this program and finding support for the program moving forward. The Work Groups will see more DWR presence than in the past. The time was also used to receive more input from DWR staff on the RCR and IPS1. Mr. Arrich stated that it was well worth the effort from the DWR's perspective.. DWR is currently preparing for Phase 2.

Mike Inamine introduced himself as the new DWR Executive Sponsor and explained his role to ensure DWR's concurrent programs are integrated. Both Mr. Arrich and Mr. Inamine expressed their appreciation for the Work Group's participation and contributions.

Q: What has DWR been doing for the past few months?

A: DWR has been reorganizing itself internally to provide additional support for and involvement with this program. It has also spent considerable time reviewing the documents and providing input to the Technical Team.

Brian Smith, Regional DWR Lead, presented an overview of the CVFPP planning process to review progress to date, the current stage, and future phases. This meeting marks the end of Phase 1. Phase 2 begins in early May. In response to Work Group members input, future phases of the Work Groups will meet less frequently (two or three times) and for shorter period of time (two to three hours) at a time. DWR has been working on compiling, organizing and making the management actions (MAs) developed in Phase 1 easier to go through for the work group members in Phase 2.

Regional Conditions Report (RCR) and Interim Progress Summary 1 (IPS1)

Jim Eto, DWR CVFPO, presented the purpose, use and organization of information in the RCR. The RCR is a working document that will be in continual development throughout the CVFPP development process. However, DWR does not intend to revise the document itself, with the exception of major errors that may arise. Comments and corrections will be incorporated into the 2012 CVFPP and related documents, such as the programmatic CEQA document. The RCR was initially intended to serve as the first four chapters of the 2012 CVFPP, but it is so dense that it will now be better used as a planning document.

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Comment: The RCR is available for the public, but it has not been actively publicized or distributed outside of the Regional and the Topic work groups. If other members of the public would like information about the RCR development process, the IPS1 is available and written with the public audience in mind.

Q: What is the definition of Systemwide Planning Area?

A: This area represents areas that affect and are affected by the State Plan of Flood Control (SPFC) Planning Area. The SPFC is the State-federal flood protection system in the Sacramento and San Joaquin valleys for which the State has provided assurances that it will operate and oversee in cooperation with the federal government.

Q: What is the southern boundary of the project area?

A: The question of a valley boundary as it relates to urban flood planning is unclear, so legislation is being drafted to make it unambiguous. DWR has not seen the exact language yet, but its understanding is that the City of Fresno will not be included in the CVFPP planning area and will be removed from the CVFMP Planning Area map in the future. This has the support of DWR.

Mr. Eto presented the purpose and organization of the IPS1. This is intended to be a high-level summary of the RCR and to provide information on the status of the CVFPP development process. The IPS1 is publicly available.

Pam Jones introduced the RCR/IPS1 Discussion Questions handout. The four questions solicit feedback on the RCR and IPS1.

Decision Question #1

To what extent do the documents represent input received during the planning process and the broad perspectives of those with substantial interest in the plan?

In terms of feedback on the format of the documents, a suggestion was made – and supported by many -- to provide a one-page Executive Summary at the front of the IPS1 to present to Legislators since they will likely not read the entire 23-page document. This summary might include:

- Establish the major findings/topic in the beginning. For example, a key area of agreement among Work Groups is that the primary goal of the CVFMP is public safety.
- Recommendations, such as those included in the middle of the document
- Need for enhancing management and getting the support of local land use planning organizations
- The statewide implications of the CVFMP. We have the CVFMP Planning Area, but we are looking at the larger areas and a larger suite of solutions/ benefits (i.e., water supply) that will apply statewide.

It was also suggested, in the “Next Steps” section, DWR encourage Phase 1 participants to stay involved in the long-run to help through the development of the larger suite of solution sets (Regional and Statewide) that will provide enhanced water benefits.

Q: How are Regional Work Group perspectives similar or different?

A: This is addressed in the IPS1. The Delta has some unique issues. The biggest difference came from sectors rather than regions. All Work Groups agreed that public safety is the highest priority.

Decision Question #2

To what extent do the RCR and IPS1 establish the scope of the CVFPP? What additional work needs to be done to address scope and goals issues?

Comment: The CVFMP Planning Area should be better clarified.

A: The IPS1 does a good job of explaining the planning areas.

Q: Does the title of Central Valley Flood Protection Plan imply we can avoid floods?

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A: The CVFPP is the name adopted in the legislation. The goal is improving/enhancing flood management.

Q: How were the goals and planning principles (on pages 20-21 of the IPS1) developed? They do not seem to correlate.

A: The goals and planning principles are not meant to correlate. The intent of the goal is to meet the principles, which guide the plan's development. The five original goals have been "simplified" to clearly state the "The Goal of the CVFPP is public safety." The other four goals are now sub-goals.

Q: On the Planning Areas map, what is the difference between the orange and green areas?

A: Orange area represents lands that currently receive protection from the existing facilities that receive state assurances. The green area is the land that may affect the performance of the facilities and system within the orange area, and therefore should be considered.

Decision Questions #3 and #4

Thinking about content of the RCR and IPS1, please describe any major gaps, inaccuracies of data or other red flags that must be addressed as we move forward into Phase 2. Several members did not have a chance to read the RCR, and, as previously stated, they may also submit feedback via email until May 14, 2010 to cvfmp@water.ca.gov.

Q. Is the IPS1 a draft or final? If draft, we could add descriptions to the map text to clarify. Also, Merced is mislabeled as Modesto. Unless there is a "final" publication, there's not a clear understanding of what is included or not in that particular term.

A. The IPS1 is a working document. We're hoping not to have to modify it, but we are taking comments. We're withholding changes unless there's a "fatal flaw."

Q: In DWR's opinion, has the process to date been worthwhile?

A: Yes. This has been a very helpful and rewarding experience. The process of gathering baseline information on this scale, to serve as the foundation for planning, has been unprecedented at DWR. This process is one of many that will help DWR build a better plan for flood protection.

Q: Is DWR's motivation with the CVFPP to defend itself from litigation and to defer some responsibility to local agencies?

A: There are many motivators, but risk of litigation has contributed to DWR's increased participation in the process. (In *Paterno et al vs. State of California*, the courts established that the State has responsibility to landowners for damages from flooding from levee failures when it has, or assumes levee control, in this case from Yuba County.) Hurricane Katrina and its effects have also changed the environment of flood management. Overall, DWR sees this as an opportunity to integrate water management from the regional level to the State level and to improve sustainable flood management and safety. DWR is looking at the whole system, not just the levees the state is liable for.

Q: Do local governments know about, and are they prepared to manage, their flood responsibilities?

A: County land use decisions – allowing building in flood plains -- are often the most likely cause of putting people in harm's way. Most counties' priorities are elsewhere now, so DWR needs to help them understand their changed responsibilities when it comes to land use planning. There is a gap in mutual understanding and definitions of the new laws.

Q: What feedback does DWR receive after meeting with counties and reviewing their land use responsibilities?

A: Most counties are appreciative and did not know about the laws/county responsibility before being informed by DWR. They often feel land use implications of flood planning is an unfunded state mandate and have questioned legality. Michael Mierzwa, DWR, is coordinating communications within DWR to better inform local land use agencies. DWR has developed a land use handbook for planners. It is in final review and will be available for public feedback in June 2010.

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The Work Group suggested DWR conduct outreach and informational efforts toward the following:

- County Public Works Departments
- County Planning Directors and Commissions
- County Supervisors Association of California
- League of California Cities
- Local Agency Formation Commissions
- Councils of Governments
- California Association of Planners
- Other professional organization (e.g. American Society of Engineers)
- California Business, Transportation and Housing Agency
- State flood planning agencies

DWR should work with Secretary of the California Resources Agency, Lester Snow, to involve other Departments (e.g. Business, Transportation and Housing, as well as Labor) to develop incentive programs to help with CVFPP and local funding.

Q: How is DWR prepared for potential conflicts on land use?

A: DWR has no enforcement or approval authority under the law, but is coordinating with the San Joaquin Flood Protection Board to ensure that they are prepared for this possibility.

Q: Does the report address the difference between catastrophic failures and acceptable failures in the system?

A: Acceptable failures will be addressed in other projects. This report acknowledges varying levels of acceptable or appropriate risks. DWR will consider both a *probability* of failure and the *consequences* of failure in the CVFPP.

Q. What is DWR's perspective on the RCR and on flood management in areas of development?

A. The urban levee standards are correct unless local land use agencies can find different standards. There are no enforcement provisions in the law. While land use decisions are made at the county level, the state does have some authority in terms of where low-income housing can be located.

Phase 1 Stakeholder Assessment

Pam Jones gave an overview of the CVFPP Phase 1 assessment. Key takeaways from the assessment included the following:

- Stakeholder engagement was viewed positively for inclusiveness, transparency and ease of providing input. This should be continued in future phases of the process.
- Stakeholders also wish to reserve final thoughts until they can see the results of their input in the RCR.
- There should be a greater effort to identify perspectives that are not currently represented.
- The Work Groups prefer to review materials rather than create them. They also requested better timing in order to review materials.
- The role of DWR was unclear in the RWG process. Respondents urged DWR to take a stronger leadership role.
- Pacing and work volume – too many meetings and too much to read. Very few people had time to do homework. DWR realized that, instead of helping to generate materials, participants would rather review them.
- Work Product integration – Respondents were unclear how content from different work groups was being integrated into the documents.
- Incorporate best practices in communication efforts. Provide enough time for review and comment, etc.

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Overview of Phase 2 and Next Steps

Eric Clyde, MWH, explained the iterative nature of the CVFPP planning process and how the process would continue into Phase 2. The purpose of this phase is to identify MA categories, MAs and to develop evaluation methods for the MAs. During Phase 2, there will be two rounds of public workshops focused on different categories of management actions. This will prepare for Phase 3 where solutions will be developed and refined for different regions. Phase 2 will end in August or September 2010.

Q: Will the different applications of flood protection be available in Phase 3, along with the funding sources for those applications?

A: Yes, solution approaches will be made for Phase 3. During that time, people can customize solutions based on what is regionally and economically feasible.

Q: What funding sources and/or options does DWR anticipate?

A: A new Topic Work Group to explore this area has been proposed for this phase.

Pam Jones noted that Regional Work Groups will continue to be the key outreach mechanism going forward. She invited the Work Group members to continue their participation into Phase 2. There will be two to three Work Group meetings, with the option to attend the topic-specific workshops. Sign-up sheets for Phase 2 or additional comments may be sent to Christine Lim, Kearns & West, at clim@kearnswest.com.

There will also be Topic Work Groups to provide technical and focused feedback on specific issues. She noted that while the groups are not yet final, topics under consideration are, per the handout in packets:

- Financing and Revenue
- Urban Level of Flood Protection
- Climate Change
- Reservoir Reoperation
- Economics

Closing Gaps in Participation

The Work Group suggested the following groups as being able to provide valuable input into subsequent phases of the CVFPP:

- Planning Organizations
 - Planning Directors
 - Integrated Regional Water Management Planning (IRWMP) Groups
- Building
 - Property owners
 - Building industry (e.g. Building Industry Association)
 - Affordable housing
- Environmental
 - Environmental groups (Ducks Unlimited, California Waterfowl, Sierra Club, Fresno Audubon)
 - California State Parks (owns property alongside the SJ river)
 - Refuges
 - Central Valley Joint Venture (Bob Shaffer)
 - Resource Conservation Districts
 - Natural Resource Conservation Districts
 - Environmental justice groups (Self Help Enterprises of Fresno)
- Water
 - Grasslands Water District (Dave Waddell)
 - Merced Irrigation District
- Government/Academic
 - Federal Emergency Management Agency

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- U.S. Department of the Interior/Bureau of Reclamation, Bureau of Indian Affairs Academic institutions (Fresno State University, University of California Merced, California State University Stanislaus)
 - County planning commissioners, county planning departments, county supervisors
 - Merced Board of Supervisors
 - Fresno Director of Public Works (Alan Weaver)
- Reservoir Reoperation –
 - Forecast Coordination Groups (F-CO group) – Matt Zarr (DWR is also coordinating a program on reservoir reoperation and developing congressional changes in reservoir management).
- Other
 - Utilities
 - Utility relicensing stakeholders (check documents which include a thorough list of interests/interest groups)
 - Agricultural interests

Concluding Remarks and Questions

Jeremy Arrich thanked the Work Group for their participation and expressed eagerness to begin Phase 2. The Work Group raised the following comments:

Q: Can DWR develop an e-newsletter for the stakeholders of the CVFPP process, preferable in electronic format, similar to DWR's Delta e-News?

A: Yes, the first FloodSAFE newsletter will be distributed in May. The newsletter will be distributed bi-monthly at the beginning with the intent to become monthly later in the process.

Q: Has DWR considered meetings for people or agencies outside the Central Valley area?

A: Yes, a series of statewide flood planning workshops will soon begin. There will also be workshops on the land use planners handbook as well as for the statewide flood management. There will also likely be a FloodSAFE workshop that will cover all FloodSAFE efforts.

Comment: The Valleywide Forum is being planned for late May or early June 2010. The integration of statewide and Central Valley flood planning will be discussed here.

Comment: Many groups do not have a capacity to participate in a Work Group, so one-day workshops might be best for those interests (recreation was suggested as one that might fit this category).

Q: How is the Central Valley Floodplain Evaluation and Delineation (CVFED) effort for hydraulic model development interacting with flood plans?

A: The CVFED effort is proceeding as fast as possible, but their findings will not be available in time to incorporate into the 2012 CVFPP. The newsletter will begin to include some of this information as it becomes available.

Pam Jones invited partners to fill out Phase 2 "continuation of membership" sign-up forms, acknowledged this meeting as marking the conclusion of Phase 1 CVFPP development process, and invited attendees to stay for the luncheon to celebrate their accomplishments.